

memorandum

DATE: July 20, 2001

REPLY TO

ATTN: LPD:TPB:RED

SUBJECT: Omitting Patent Rights Appendix from Work for Others Non-Federal Sponsor Agreements

TO: Daniel Glenn, AAO
Elizabeth Sellers, KCAO
Richard Mah, MS C334, LANL
David Goldheim, MS 0815, SNL/NM
Denise Koker, MS 9017, SNL/CA

This modifies AL's April 17, 1996, memorandum titled "New Funds-In Agreements," and March 21, 1997, memorandum titled "Guidance to Contractors, Work for Others Agreement with Non-Federal Sponsors." In the March 21, 1997, memorandum, Paragraph 1, General Guidance, Appendix B, Patent Rights - Use of Facilities, states that when the work does not include any research, development, demonstration or testing, the Patent Rights Article may be omitted from the agreement.

Effective immediately, we are modifying this statement by removing the word "testing" to bring AL's policy in line with guidance provided by DOE/HQ in DOE M 481.1-1A, Work for Others Agreement with Non-Federal Sponsors. Therefore, for agreements where no research, development, or demonstration is to be conducted in the performance of the statement of work:

1. Appendix B (Patent Rights) may be omitted and marked "Reserved"; and
2. The following article is to be incorporated in the general terms and conditions:

"PATENT RIGHTS. The work to be performed under this agreement is not anticipated to involve research, development, or demonstration. If any intellectual property is developed under this agreement, such intellectual property will be governed by the intellectual property provisions of the Contractor's Management and Operating contract with DOE."

With this action, we do not believe that the DOE/AL approved Services and Materials Agreement is of any benefit and we are eliminating it from further use.

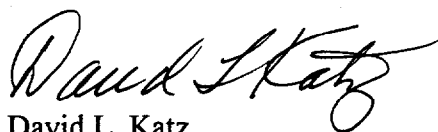
Addressees

- 2 -

Please call Technology Partnerships Branch personnel (505-845-5342) if you have any questions or require additional information on this change in policy.



Dickson G. Kehl
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